

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05-CR-00028-RJC

USA

v.

ARCHAVIS BRIANN MOORE

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ORDER

THIS MATTER is before the Court upon motion of the defendant, (Doc. No. 119), to which the government agrees, for a time-served sentence without a hearing following vacatur of the defendant's sentence pursuant to 28 U.S.C. § 2255, (Doc. No. 118).

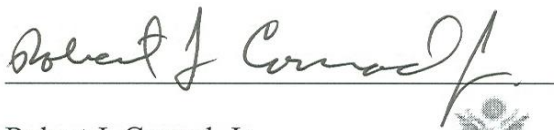
The defendant was originally sentenced as a career offender to a total of 360 months' imprisonment for violating 18 U.S.C. § 922(g)(1), 21 U.S.C. § 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 924(c), followed by 6 years' supervised release. (Doc. No. 54: Judgment at 1-2). The revised calculation of his sentencing range, given the First Step Act of 2018 and United States v. Simmons, 649 F.3d 237 (4th Cir. 2011) (en banc), is 63-78 months on Counts One and Two, 60 consecutive months for Count Three, and 3 years' supervised release. (Doc. No. 113: Supplement to Presentence Report at 2-3). The Bureau of Prisons credits the defendant with serving approximately 213 months, with few disciplinary actions and completion of self-improvement and vocational training programs. (Id. at 3). Accordingly, the Court finds that the proposed sentence is sufficient, but not greater than necessary, to achieve the purposes of sentencing in 18 U.S.C. §3553(a).

IT IS, THEREFORE, ORDERED that the defendant's motion, (Doc. No. 119), is **GRANTED** and the defendant's sentence of imprisonment on each count is reduced to the time served, plus up to ten days for the BOP to process his release, followed by 3 years' supervised release on each count to run concurrently.

IT IS FURTHER ORDERED that, if the defendant is released from imprisonment without a residential plan accepted by the United States Probation Office (USPO), he shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the USPO, as a condition of supervised release. All other conditions remain unchanged.

The Clerk is directed to certify copies of this Order to the defendant, counsel for the defendant, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: October 6, 2020


Robert J. Conrad, Jr.
United States District Judge

